



United States Attorney  
Southern District of New York

# MEMO ENDORSED

BY ECF

The Honorable Valerie E. Caproni  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

86 Chambers Street  
New York, New York 10007

February 11, 2020

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Re: *United States v. Darius X. Johnson*, No. 19 Misc. 477 (VEC)

Dear Judge Caproni:

This Office represents the United States of America (the “Government”) in the above-referenced IRS summons enforcement case. I write respectfully on behalf of both parties to request an adjournment of the Order to Show Cause (“OTSC”) hearing scheduled for February 14, 2020. Counsel for the Government and counsel for the respondent recently began discussing a potential resolution of this case that could avoid the necessity of an OTSC hearing. To allow additional time for the parties to work towards this end, the parties jointly request an adjournment of the OTSC hearing *sine die* and propose that they submit a joint status letter updating the Court on their negotiations and, if necessary, requesting a new hearing date, by no later than February 28, 2020. This is the third request for an adjournment of this hearing and each of the previous two requests was granted.<sup>1</sup> See Dkt. Nos. 10, 13.

We thank the Court for its consideration of this request.

Application GRANTED. The order to show cause hearing is adjourned *sine die*.  
The parties must submit a joint status letter by February 28, 2020.

SO ORDERED.

2/12/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

cc (by ECF): Edward V. Sapone, counsel for respondent  
cc (by E-mail): Daniel F. Wachtell, counsel for respondent

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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<sup>1</sup> The first adjournment request was made for the purpose of giving respondent time to retain counsel to represent him in this matter, *see* Dkt. No. 9, and the second request was made because of a conflict with respondent’s counsel’s trial schedule, *see* Dkt. No. 12.